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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,920	06/25/2001	Thomas J. Holman	1001.1181102	9756

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EXAMINER

WITCZAK, CATHERINE

ART UNIT	PAPER NUMBER
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3767

MAIL DATE	DELIVERY MODE
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08/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/888,920

Applicant(s)

HOLMAN ET AL.

Examiner

Catherine N. Witczak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

WMM/7/20/07

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 47, 48, 49, 50, 51, 52, 53, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Klumpp (US 2,724,736). Klumpp discloses in Figure 1 a monolithic nylon hub capable of receiving and retaining a catheter comprising a strain relief portion (2) molded with grooves extending orthogonally in a helical fashion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 47, 48, 49, 50, 52, 53, 54, 56, 57, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al (US 5,352,198) as modified by Davila (US 5,466,230).

Goldenberg et al disclose in Figure 1 a monolithic catheter hub comprising a threaded hub portion (32) and a strain portion (28) molded as a single piece of a single material, and a lumen configured to receive a nylon or polymer catheter (10). Goldenberg et al disclose the claimed invention except for the strain relief portion being molded with a plurality of grooves extending orthogonally in a helical fashion

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in the strain relief portion. Davila discloses in Figure 1 it is known to use grooves extending orthogonally in a helical fashion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Goldenberg et al with transverse grooves as taught by Davila, since such a modification protect the catheter from bending or kinking (column 3, lines 41-45).

3. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al as modified by Davila in further view of Wijkamp et al (US 5,167,647).

Goldenberg et al in view of Davil disclose the claimed invention except for the hub being molded with wings. Wijkamp et al disclose in Figure 1 it is known to use wings molded to a hub. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Goldenberg et al as modified by Davila with transverse wings as taught by Wijkamp et al, since such a modification would allow the patient to have a better grip of the hub.

4. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldenberg et al as modified by Davila in further view of Bartholomew (US 4,802,947).

Goldenberg et al disclose the claimed invention except for the catheter having a flared proximal end. Bartholomew discloses in Figure 1 it is known to use a flared catheter (11 and 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Goldenberg et al with a flared catheter as taught by Bartholomew, since such a modification would provide a tight fit between the hub and catheter.

5. Claims 54, 56, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klumpp as modified by Goldenberg et al.

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Klumpp discloses a hub comprising a strain relief portion to be used in securing a cable or conductor. Goldenberg et al teach that it is known to use a catheter hub comprising a strain relief portion. Although Klumpp does not specifically disclose the device being used with a catheter, the device disclosed by Klumpp functions in a similar way to the device of Goldenberg et al in that it is used to provide support and prevention of bending and kinking when attaching a tube-like structure to a device. Therefore, although the field of use may be different, the devices of Goldenberg and Klumpp serve the same purpose of supporting a portion of tubing to prevent it from bending and kinking and therefore it would have been obvious to one of ordinary skill in the art to modify the system of Klumpp by using a catheter as taught by Goldenberg et al, since such a modification would allow the device of Klumpp to provide support and prevent kinking and bending of a tube to be used in a medical application.

Response to Arguments

Applicant's arguments filed 6/19/2007 have been fully considered but they are not persuasive. Applicants argue that the bushing of Klumpp is not a catheter hub and the bushing of Klumpp is "so ill-suited to the purpose of a catheter hub as to not be a viable alternative hub for medical use." Examiner points out that even though Klumpp calls his device a "bushing" it does still read on the limitations of the claims and furthermore, there is no part of the claims that specifies that the present device is for medical use. In response to that neither Goldenberg et al nor Davila disclose a strain relief portion monolithically molded with a proximal hub portion, Examiner points Applicant to Figure 1 (element 28).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witzak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KEVIN C. SIMONS
SUPERVISORY PATENT EXAMINER

cw

 7/29/08